

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DONALD DELONEY,

Plaintiff

v.

GIANNA VERNES, *et al.*,

Defendants.

Case No. 3:24-CV-00577-ART-CLB

**ORDER TO PAY FILING FEE OR FILE
APPLICATION TO PROCEED
IN FORMA PAUPERIS**

I. DISCUSSION

On December 16, 2024, Plaintiff Donald Deloney (“Deloney”), a pretrial detainee in the custody of the Washoe County Detention Center, submitted a civil rights complaint with the Court. (ECF No. 1-1.) However, Deloney has neither paid the full \$405 filing fee for this matter, nor filed an application to proceed *in forma pauperis*.

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$405 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e., pages 1 through 3 with the inmate’s two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e., page 4 of this Court’s approved form), and

(3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Deloney a **one-time** opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$405 filing fee for this action on or before **Friday, January**

1 **17, 2025.** Absent unusual circumstances, the Court will not grant any further extensions
2 of time.

3 If Deloney is unable to file a fully complete application to proceed *in forma pauperis*
4 with all three required documents or pay the full \$405 filing fee on or before **Friday,**
5 **January 17, 2025,** this case will be subject to dismissal without prejudice for Deloney to
6 file a new case with the Court when Deloney is either able to acquire all three of the
7 documents needed to file a fully complete application to proceed *in forma pauperis* or
8 pays the full \$405 filing fee.

9 A dismissal without prejudice means Deloney does not give up the right to refile
10 the case with the Court, under a new case number, when Deloney has all three
11 documents needed to submit with an application to proceed *in forma pauperis*.
12 Alternatively, Deloney may choose not to file an application to proceed *in forma pauperis*
13 and instead pay the full filing fee of \$405 on or before **Friday, January 17, 2025,** to
14 proceed with this case.

15 **II. CONCLUSION**

16 For the foregoing reasons, **IT IS ORDERED** that the Clerk of the Court will **SEND**
17 Deloney the approved form application to proceed *in forma pauperis* by an inmate, as
18 well as the document entitled information and instructions for filing an *in forma pauperis*
19 application.

20 **IT IS FURTHER ORDERED** that on or before **Friday, January 17, 2025,** Deloney
21 will either pay the full \$405 filing fee for a civil action (which includes the \$350 filing fee
22 and the \$55 administrative fee) or file with the Court:

23 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
24 Court's approved form (i.e., pages 1 through 3 of the form with the inmate's two
25 signatures on page 3),

26 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
27 official (i.e., page 4 of this Court's approved form), and

28 (3) a copy of the **inmate's prison or jail trust fund account statement for the**

IT IS FURTHER ORDERED that, if Deloney does not file a fully complete application to proceed *in forma pauperis* with all three documents or pay the full \$405 filing fee for a civil action on or before **Friday, January 17, 2025**, this case will be subject to dismissal without prejudice for Deloney to refile the case with the Court, under a new case number, when Deloney has all three documents needed to file a complete application to proceed *in forma pauperis* or pays the full \$405 filing fee.

DATED: December 16, 2024.

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